

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2016 DEC -7 PM 2:40

CLERK 
SO. DIST. OF GA.

JAMES ANTHONY MILLER,)

Plaintiff,)

v.)

CV615-127

BULLOCH COUNTY BOARD OF)
COMMISSIONERS, LYNN M.)

ANDERSON, in his official capacity)
as Sheriff of Bulloch County, Georgia,)
et al.)

Defendants.)

REPORT AND RECOMMENDATION

Plaintiff James Anthony Miller, represented by counsel, brought this civil rights and personal injury case against the Bulloch County Board of Commissioners; Lynn M. Anderson, in his official capacity as Sherriff of Bulloch County; and several employees of the Bulloch County Sherriff's Office, but he has since abandoned any effort to litigate it. He has failed, for example, to serve the defendants within the 120 days that Fed. R. Civ. P. 4(m)

commanded at the time he filed his Complaint.¹ The Court thus directed him to show cause why it should not dismiss his case for violating Rule 4(m). Doc. 9. It gave him 14 days to do so. *Id.* He has not. Accordingly, the Court should **DISMISS** his case **WITHOUT PREJUDICE**.

This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any requests for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's

¹ Rule 4 was amended April 29, 2015, and the amendments became effective December 1, 2015. Fed. R. Civ. P. 4. The amendment shortened the time to serve a defendant from 120 to 90 days. *See* Fed. R. Civ. P. 4, advisory committee's note to 2015 amendment. Anthony filed this action on October 30, 2015, so he was required to serve defendants within 120 days.

findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; see *Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Michell v. U.S.*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 7th day of December, 2016.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA